

CITY OF NEWPORT
CORRECTED NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION¹
(new or amended language is in *italics*)

NOTICE IS HEREBY GIVEN that the City Council of the City of Newport, Oregon, will hold a public hearing on Monday, August 18, 2014, to review the following:

File No. 1-SV-14:

This *proposal to vacate rights-of-way, initiated by the City Council on April 7, 2014*, is to vacate portions of SW 31st Street, SW 32nd Street, SW 33rd Street, SW Coho Street, SW Brant Street, SW Abalone Street, and SW Anchor Way as road rights-of-way that are not needed for public purposes. These street vacations are being undertaken in concert with a subdivision plat that will reconfigure SW 30th Street, SW 35th Street and SW Abalone Street for future street improvements.

Applicable Criteria: For city-initiated street vacations, Oregon Revised Statutes (ORS) 271.130 provides: (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide; (2) All city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated. Additionally, pursuant to ORS 271.120, the governing body must determine by ordinance that the above requirements have been satisfied and that the public interest will not be prejudiced by the vacation action.

Testimony: *Any objection or remonstrance to this street vacation must be made in writing prior to this hearing or may be made in person at the time of the hearing.* Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant and questions and deliberation by the City Council. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, Community Development Director (541) 574-0626, d.tokos@newportoregon.gov (mailing address above in "Reports/Materials").

Time/Place of Hearing: Monday, August 18, 2014; 6:00 p.m. or shortly thereafter; City Hall Council Chambers (address above in "Reports/Materials").

¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public/private utilities/agencies, and affected city departments.

MAILED: July 21, 2014 (original notice)
July 23, 2014 (corrected notice)

PUBLISHED: August 1, 2014, August 6, & August 13, 2014/News-Times.